

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 158 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Z B SIRAZWALA

Versus

MANHARLAL CHUNILAL LAKDAWALA

Appearance:

MR SK BUKHARI for Petitioner

PUBLIC PROSECUTOR for Respondent No. 2

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 16/04/98

ORAL JUDGEMENT

1. Heard Mr.S.K.Bukhari, Ld.advocate appearing for petitioner. Rule. Ld. APP-Ms B.R.Gajjar for respondent No.2 appears respectively and waives service of rule.

2. The petitioner has challenged the legality and propriety of the order passed below application-Exh.13 in Criminal Case No.10987/92 by the Ld.JMFC, Court No.2,

Surat. Mr.Bukhari has taken me through the order and contended that the respondent No.1 has filed Criminal

complaint under section 138 of Negotiable Instruments Act which is pending. That the said cheque was given to the respondent No.1 by the petitioner under a civil transaction for which civil proceedings have already been initiated by the the respondent No.1 against the petitioner and as civil proceedings are pending the present petitioner has moved application-Exh.13 before the Ld.JMFC to stay the proceedings till civil proceedings are decided.

3. The contention urged on behalf of the petitioner is wholly misconceived and contrary to settled proposition of law. No criminal proceedings could be stayed, and in the facts and circumstances, as civil and criminal remedies flow from different provisions of law respondent No.1 is entitled to resort to same.

4. On the above stated ground I hold that the petitioner has resorted to false, frivolous and vexatious litigation and as such petition deserves to be rejected summarily and is rejected. Not only that the petitioner should be saddled with costs and the petitioner is directed to pay Rs.1,000/- towards costs to respondent No.2 which shall be sent to Legal Aid Committee, Gujarat High Court. Rule is discharged.

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